

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

BRANSON HILLS ASSOCIATES, LP,)	
)	
Plaintiff,)	
v.)	
)	No. 05-3186-CV-S-FJG-SSA
FIRST AMERICAN TITLE)	
INSURANCE CO.,)	
)	
Defendant.)	

ORDER

Pending before the Court are (1) defendant's Motion to Dismiss (Doc. No. 10) and (2) plaintiff's Confession of Motion and Application for Leave to Dismiss without Prejudice (Doc. No. 11). Defendant has filed no opposition to the application for leave to dismiss without prejudice. Therefore, the Court **GRANTS** defendant's motion to dismiss (Doc. No. 10) and plaintiff's application for leave to dismiss without prejudice (Doc. No. 11). The pending matter is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Date: January 6, 2006
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge